

Review legal requirements under NZ law

A suggestion for implementing the strategy
'Meet legal responsibilities and obligations'
from the Guide: [Board of trustees](#)

Includes:

- Understand your legal obligations
- Revisit the Education Act Amendment 2017
- Protect human rights
- Support all national languages
- Useful resources

Inclusive Education

From

Guide: [The role of the board of trustees](#)

Strategy: [Meet legal responsibilities and obligations](#)

Suggestion: [Review legal requirements under NZ law](#)

Date

04 October 2021

Link

inclusive.tki.org.nz/guides/the-role-of-the-board-of-trustees/review-legal-requirements-under-nz-law

Understand your legal obligations

It is the legal obligation of boards of trustees to provide inclusive education.

The Education Act 1989 requires boards to enrol students in their schools, irrespective of students' needs and abilities.

The National Administration Guidelines (NAGs) set clear expectations for boards to foster student achievement.

NAG 1c, d, e requires all boards,

(c) through the analysis of good quality assessment information, to identify students and groups of students:

- who are not progressing and/or achieving;
- who are at risk of not progressing and/or achieving;
- who have special needs (including gifted and talented students); and
- aspects of the curriculum which require particular attention;

(d) develop and implement teaching and learning strategies to address the needs of students and aspects of the curriculum identified in (c) above;

(e) in consultation with the school's Māori community, develop and make known to the school's community policies, plans and targets for improving the progress and achievement of Māori students.

Ask the principal to report regularly on how well the school is meeting the needs of all students. Specifically ask for regular reports on those students accessing learning support and how successful these students are in reaching their learning goals.

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Revisit the Education Act Amendment 2017

Become familiar with the updated legislation.

Part 2: Powers and functions of boards

A board's primary objective in governing the school is to ensure that every student at the school is able to attain his or her highest possible standard in educational achievement, to the best of his or her potential.

To meet the primary objective, the board must ensure that the school

- is a physically and emotionally safe place for all students and staff
- is inclusive of and caters for students with differing needs.

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Protect human rights

Section 57 of the Human Rights Act 1993 states:

"It shall be unlawful for an educational establishment, or the authority responsible for the control of an educational establishment, or any person concerned in the management of an educational establishment or in teaching at an educational establishment

(a) to refuse or fail to admit a person as a pupil or student; or

(b) to admit a person as a pupil or a student on less favourable terms and conditions than would otherwise be made available; or

(c) to deny or restrict access to any benefits or services provided by the establishment; or

(d) to exclude a person as a pupil or a student or subject him or her to any other detriment; –

by reason of any of the prohibited grounds of discrimination."

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Support all national languages

Ensure the NZ
Sign Language
Act 2006 is
honoured.

Part 2 (6)

New Zealand Sign Language is declared to be an official language of New Zealand.

Source:

[New Zealand Sign Language Act 2006](#)

<http://www.legislation.govt.nz/act/public/2006/0018/latest/DLM372754.html>

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Useful resources



Education Act 1989

Publisher: Parliamentary Counsel Office

[Visit website](#)



Human Rights Act 1993

Publisher: Parliamentary Counsel Office

[Visit website](#)



New Zealand Sign Language Act 2006

Publisher: Parliamentary Counsel Office

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